IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 787 (SS) of 2007

Rajesh Kumar,
S/o Sri Budh Singh,
R/o Village – Angadpur,
P.O. – Dharampur,
Tehsil – Jaspur,
District – Udham Singh Nagar. **……Petitioner.**

Versus

1. Secretary, Ministry of Education, Government of Uttarakhand, Dehradun.
2. Director of Education, Education Department ,Secretarial, Dehradun.
3. Additional Director, SCERT (Uttarakhand), Narendra Nagar.
4. District Institute of Education and Training (DIET), Udham Singh Nagar.
5. Dr. Bhim Rao Ambedkar University, Agra through its Registrar.

……Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri Davesh Bishnoi and Sri Vishal Singh, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand on behalf of respondents no. 1 to 4.

By means of this writ petition, the petitioner has prayed for the following reliefs:

i. *issue a suitable writ, order or direction, in the nature of Mandamus directing the respondents to consider the candidature of the petitioner by accepting the mark sheet of B.Ed. sent on 29.12.2006 to DIET, Udham Singh Nagar.*

ii. *issue a suitable writ, order or direction, in the nature of Mandamus directing the respondents to enter the name of the petitioner in the list of candidates being considered for admission to Special BTC Training Course 2006-07.*

iii. *Pass such and further order as this Hon'ble Court may deem fit and proper in the circumstances of the case.*

iv. *Award costs of the writ petition in favour of the petitioner.*

The stand of the petitioner is that he had applied for Special BTC Training Course for the year 2006-07, in pursuance to advertisement-dated 09.07.2006 and last date of submission of application was 10.08.2006. Though application submitted by the petitioner was within time but his candidature was not being considered by the respondents for Special BTC, on the ground that he has not submitted his B.Ed. marksheet, along with application.

The submission of learned counsel for the petitioner is that the last date of submission of application for Special BTC course was on 10.08.2006 but he has received his B.Ed. marksheet in the month of December, 2006.

Since the petitioner had not passed B.Ed. examination till the last date of submission of application for Special BTC Course, as such, petitioner is not entitled to be considered for Special BTC Training Course, as he was not fulfilling the eligibility criteria, which was prescribed in the advertisement. However, petitioner wants to submit representation before the appropriate authority for redressal of his grievance.

It is open for the petitioner to make representation and it is expected from the authority concerned to take necessary action on the representation of the petitioner.

With this direction, writ petition as well as interim relief application no. nil of 2007 is disposed of. No order as to costs.

(M.M. Ghildiyal, J)

July 04, 2007
SKSharma